

## REMARKS

The Office is thanked for the careful examination of the subject application. Claims 1-29 are pending in the present application. In the subject paper, amendments have been made to claims to correct typographical errors and better define the claimed subject matter. Therefore, after entry of the above amendments, claims 1-29 will be pending in the subject application. The Applicants believe that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

### *Claim Objections*

The Office has objected to claim 1 for failing to distinguish the preamble from the body of the claim. Per the Office's request, claim 1 has been amended so that the preamble is clearly distinguishable from the body of the claim. In view of the clarifying amendments to claim 1, the Applicants respectfully request that the Office kindly withdraw objection to claim 1.

### *Claim Rejections under 35 USC § 101*

The Office has rejected claims 11-29 for being directed at non-statutory subject matter. Specifically, the Office has rejected claims 21-29 for being directed at a computer program or software instructions. Per the Office's request, claims 11-29 have been amended to specifically recite a computer-readable medium. In view of the clarifying amendments, the Applicants respectfully request that rejection of claims 21-29 under 35 USC § 101 be withdrawn.

The Office has further rejected claims 11-20 under 35 USC § 101 for claiming software in the form of a method. The Applicants respectfully submit that, as amended, claims 11-20 are directed at computer-implemented methods. In view of the clarifying amendments to claims 11-20, the Applicants respectfully request that rejection of claims 11-20 under 35 USC § 101 be withdrawn.

### *Rejection under 35 USC § 112*

The Office has rejected independent claim 1 under 35 USC § 112, first paragraph for not being enabling for a wireless device. The Applicants respectfully traverse the Office's interpretation. Nonetheless, to expedite the prosecution of the subject application, the

Applicants have amended independent claim 1 to recite a wireless device comprising, a processor, a wireless communication interface, and a memory. Support for such amendments can be found, for instance, in paragraphs 16-21 and Figure 1 of the subject application.

In view of the clarifying amendments to claim 1, the Applicants respectfully request that rejection of claim 1 under 35 USC § 112, first paragraph be withdrawn.

***Rejection under 35 USC § 112***

The Office has rejected independent claims 1, 11, 20, and 21 under 35 USC § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Specifically, the Office has asserted that the phrase “the wireless communication capability” renders the claims indefinite.

To expedite the prosecution of the subject application, the Applicants have deleted the phrase “the wireless communication capability” in claims 1, 10, 11, 20, and 21.

To further expedite the prosecution of the subject application, the Applicants have additionally amended claim 20 so as to recite “means for selectively receiving an attempted communication connection across a wireless network.”

In view of the clarifying amendments to the claims, the Applicants respectfully request that rejection of claims 1, 11, 20, and 21 be withdrawn.

***Rejection of Claims under 35 USC § 102***

The Office has rejected claims 1-29 under 35 USC § 102(b) as being anticipated by US Publication No. 2002/0057678 to Jiang et al. (“Jiang”). The Applicants respectfully traverse the Office’s interpretation, as Jiang fails to disclose each and every feature of the amended independent claims 1, 10, 11, 20, and 21 for at least the following reasons:

For instance, as amended, *inter alia*, independent claim 1 recites a processor operable to “classify the attempted incoming communication connection using identifying information of the attempted incoming communication connection,” and “perform a predetermined response to the attempted incoming communication connection based upon a classification of the attempted

incoming communication connection.” Similarly, as amended herein, among other features, independent claims 10, 11, 20, and 21 recite the features “classifying the attempted incoming communication connection using identifying information of the attempted incoming communication connection,” and “performing a predetermined response to the attempted incoming communication connection based upon the classification.”

It is respectfully submitted that Jiang fails to disclose each and every feature of amended independent claims 1, 10, 11, 20, and 21. By way of example, Jiang fails to disclose (or suggest) the features “classifying the attempted incoming communication connection using identifying information of the attempted incoming communication connection,” and “performing a predetermined response to the attempted incoming communication connection based upon the classification” of the subject claims. Rather, Jiang discloses initiation of a wireless session by a wireless device and triggering of a voice session by a wireless data session, and vice versa.

Citing to Figures 2-5 and paragraphs 71 and 72 of Jiang, the Office has interpreted that Jiang discloses the features “classifying the attempted incoming communication connection using identifying information of the attempted incoming communication connection,” and “performing a predetermined response to the attempted incoming communication connection based upon the classification” of the subject claims. For instance, on page 5, paragraph 11 of the Office Action, the Office has interpreted that Jiang discloses “the wireless device **(items 310 of Fig 3)** classifying **(service types)** attempted communication connections **(SMS, WAP, PQF, IVR, XML connections, para 0070, lines 9-17).**”

The Applicants respectfully traverse the Office’s interpretation as the “service types” disclosed in Jiang are not the same nor perform the same functionalities as “classifying the attempted communication connection using identifying information of the attempted incoming communication connection” of the subject application. For instance, the excerpt of Jiang cited by the Office provides, in pertinent parts:

...The architecture 304 includes a hypertext transfer protocol server and an application server. The architecture 304 further includes extensible style-sheet language templates (XSLTs), which are explained more fully below. *The architecture 304 includes the enhanced services as shown in FIG. 2. The enhanced services facilitate the wireless device user's access to data 308 and*

*customer systems 302*. Examples of customer systems 302 are the systems provided by SAP<sup>TM</sup>, Siebel<sup>TM</sup>, TIBCO<sup>TM</sup>, and others. [Emphasis added.]

As evidenced by the reproduced excerpt, the enhanced services of Jiang merely facilitate the wireless device user's access to data and customer systems, and do not classify the attempted communication incoming connection using identifying information of the attempted incoming communication connection. Based on such explicit description of the enhanced services provided in Jiang, the Applicants respectfully submit that Jiang fails to disclose (or suggest) the "classifying the attempted communication connection using identifying information of the attempted incoming communication connection" feature of the subject claims.

It is further submitted that the Applicants' interpretation of the enhanced services disclosed in Jiang is in fact supported by the explicit examples of enhanced services disclosed in Jiang. For instance, in paragraph 71, Jiang provides the device management service and session management service depicted in Figure 4 as examples of enhanced services. It is respectfully submitted that neither the device management service nor the session management service of Jiang disclose (or suggest) the "classifying the attempted communication connection using identifying information of the attempted incoming communication connection" feature of the subject claims.

Additionally, even if the enhanced services of Jiang were considered to be the same as the "classifying the attempted communication connection" feature of the subject claims (a proposition with which the Applicants disagree), there is no disclosure (or suggestion) in Jiang that the enhanced services could have any identifying information or that such identifying information could be used to classify the attempted incoming communication connection.

The Applicants further traverse the Office's interpretation that Jiang discloses "performing a predetermined response to the attempted incoming communication connection based upon the classification" feature of the subject claims. In support of the Office's interpretation, the Office has cited to paragraph 71 indicating that Jiang sends a "response based on the wireless device and type."

Initially, the Applicants respectfully submit that the Office's interpretations of Jiang as applicable to classifying the attempted incoming communication connection are contradictory.

For instance, on page 5, paragraph 11, line 8, the Office has interpreted “service types” of Jiang to be the same as “classifying attempted incoming communication connection” of the subject claims. On the same page of the Office Action (i.e., page 5, paragraph 11, line 12), however, the Office has cited to paragraph 71, lines 1-15 of Jiang, interpreting classification is based on the wireless device and type.

It is respectfully submitted that neither the service types nor the wireless device and type of Jiang disclose (or suggest) classifying the attempted incoming communicating connection using identifying information of the attempted incoming communication connection. As described in more detail above, the enhanced service types of Jiang do not classify attempted incoming communication connection using identifying information. Nor does the wireless device and type of Jiang, as disclosed in paragraph 71, disclose (or suggest) identifying information of the attempted incoming communication connection.

In fact, paragraph 71 of Jiang specifically discloses that the device management service verifies the identity of the wireless device and its type. The identity of the wireless device, on the other hand, is the wireless device I.D. It is submitted that the wireless device I.D. is associated with the device and is different from the identifying information of the attempted incoming communication connection. Likewise, the wireless device type is associated with the device and is different from the identifying information of the attempted incoming communication connection.

Furthermore, as Jiang fails to disclose classifying the attempted incoming communication connection using the identifying information of the attempted incoming communication connection, Jiang also fails to disclose performing a predetermined response to the attempted incoming communication connection based upon the classification. Rather, as explicitly provided in Jiang and also acknowledged by the Office, Jiang sends a menu to the wireless device based upon the wireless device I.D. and the type of the wireless device.

Still further, even if Jiang were to be considered to send a predetermined response (a proposition with which the Applicants disagree), such predetermined response would be a single type of response (i.e., the menu) to all the different wireless devices having different wireless device identifications and types. More specifically, there is no disclosure (or suggestion) in

Jiang that Jiang can perform a predetermined response to the attempted incoming communication connection based upon the classification of the attempted communication connection. Rather, all receive the same response (i.e., menu) based upon the wireless device type and ID.

Based on at least the aforementioned reasons, the Applicants respectfully request that the rejection of claims 1-29 under 35 U.S.C. § 102 be withdrawn.

### CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated July 15, 2007

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